

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA
STATESBORO DIVISION

THEOWANDA LAMB,

Plaintiff,

v. 608CV093

WARDEN STEVE UPTON, DANE
DASHER, JOHNNY KENNEDY, JAMES
DONALD, TOM SITTNICK, SHEVONDIAH
FIELDS, R. REARDON, JOHNNY SMITH,
and LARRY WAGNER,

Defendants.

ORDER

On 5/20/10, this Court adopted the Magistrate Judge's Report and Recommendation ("R&R"), dismissing the remaining claims and defendants from this case.¹ Doc. ## 61 (R&R), 68 (Adoption Order). On 6/23/10, the Court received Plaintiff's Notice of Appeal, doc. # 74, as to that Order, which this Court also construes as a motion for leave to appeal *in forma pauperis* (IFP).

To obtain IFP status on appeal, a party's appeal must be taken in good faith. 28 U.S.C. § 1915(a)(3). Good faith, in turn, means that there is an issue on appeal that is not frivolous when judged under an objective standard. *See Coppedge v. U.S.*, 369 U.S. 438, 445 (1962); *Busch v. County*

¹ On 10/13/09, the Court adopted an R&R recommending the dismissal of all defendants except Dane and Dasher. Doc. ## 13 (R&R), 36 (Adoption Order). Plaintiff filed a Notice of Appeal as to that Order, but the Eleventh Circuit dismissed the appeal because the Order he sought to appeal did not completely dispose of his claims. Doc. # 66 at 1-2.

of Volusia, 189 F.R.D. 687, 691 (M.D. Fla. 1999). A claim is frivolous if it is "without arguable merit either in law or fact." *Bilal v. Driver*, 251 F.3d 1346, 1349 (11th Cir. 2001).

Lamb has failed to point to any particular issue that he wishes to raise on appeal. The Court has reviewed the R&R and Adoption Order and is unable to parse out a single valid basis for appeal. Summary judgment was granted to Defendants because the uncontested facts did not reveal any procedural or substantive due process violations against Plaintiff.² *See* doc. # 61 at 3-19. For the foregoing reasons, Plaintiff Theowanda Lamb's motion for IFP status on appeal is **DENIED**. Doc. # 74.

This day of 28 June 2010.



B. AVANT EDENFIELD, JUDGE
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA

² To the extent Lamb intends to appeal the adoption of the first R&R, which dismissed certain other claims and all defendants except Dane and Dasher, the Court likewise is unable to identify a single issue to support a good faith appeal, *see* doc. ## 13 (R&R), 36 (Adoption Order), and thus declines to grant IFP status.